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August 18, 2020

The Honorable Joseph A. Dickson  
United States Magistrate Judge  
King Fed. Bldg. & United States Courthouse  
50 Walnut St., P.O. Box 999  
Newark, New Jersey 07101-0999

**Re: White, et al. v. Samsung Electronics America, Inc., et al.,  
Case No. 17-1775 (MCA)(JAD)**

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Dear Honorable Judge Dickson:

Upon further reflection while drafting the arbitration-related Interrogatory directed at Defendants that you allowed, I respectfully believe that the date on which Defendants were *first served with the Complaint* to be the proper date for this inquiry.

The position being put forth by Plaintiffs with regard to “waiver” of arbitration relates to when Defendants knew or should have known that an arbitration clause respecting the TV sets at issue existed and should have been invoked by Defendants. Plaintiffs believe and will argue that the clock began “ticking” when the Defendants were first served with the Complaint in 2017<sup>1</sup> and put on issue of the claims against them respecting Plaintiffs’ TV models at issue (*i.e.*, the time when Defendants could and should have confirmed the existence of any arbitration clause).

Accordingly, Plaintiffs’ counsel respectfully asks the Court to allow him to use the date that Defendants were first served with the Complaint as the relevant date for this inquiry.

Respectfully,

/s/ Mack Press

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Cc: all parties via ECF

Mack Press  
Counsel for Plaintiffs

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<sup>1</sup> The Second Amended Complaint, which added Plaintiff Patricia Cauley, was served and filed in 2018.